

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1113 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RG MISTRY

Versus

DISTRICT SUPERINTENDENT OF POLICE

Appearance:

MR IS SUPEHIA for Petitioner

MR DA BAMBHANIA for Respondent No. 2

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 10/07/98

ORAL JUDGEMENT

RULE.

The petitioner, while working as Radio Technician (Electrician) under the D.S.P., Palanpur, a charge sheet was issued to him for certain misconduct and misbehaviour. After inquiry, a penalty of reduction of minimum pay of Rs.1400/- has been inflicted by the

D.S.P., Palanpur. At the time of awarding the penalty, he was in the pay scale of Rs.1640-2900. The penalty has been imposed with effect from 1.7.95. The co-delinquent of the petitioner has been fined a penalty of Rs.500/-. Thus it is contended that the disciplinary authority has given different treatments to the persons similarly situated.

2. Mr N R Patel, Office Superintendent to D.S.P., Banaskantha, Palanpur has filed affidavit. In para 4 it is stated that the punishment awarded to the co-delinquent is under review by the Director General of Police, Gujarat State. In view of this, it would be appropriate if the DGP considers both the cases together. While in the case of co-delinquent-I D Prajapati, it is considered necessary to enhance the penalty, the case of the petitioner may also be considered similarly for reduction in the penalty in such a way that no discrimination is caused in two identical cases.

3. In view of the aforesaid, this Special Civil Application is allowed. The matter is remanded to the Director General of Police to re-consider the question of penalty awarded to the petitioner along with the case of the co-delinquent. The Director General of Police may consider the cases and take a decision within a period of three months. Till the Director General of Police takes a decision, the impugned order awarding the penalty will remain in abeyance. On passing a fresh order, the Director General of Police, the impugned order shall automatically stand cancelled. Rule made absolute to the aforesaid extent.

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